

11520. Misbranding of Madame Dean female pills. U. S. v. 3 Dozen Packages and 5 Dozen Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13328. I. S. No. 10357-t S. No. W-660.)

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen packages, special strength, and 5 dozen packages, single strength, of Madame Dean female pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Martin Rudy, from Lancaster, Pa., in three consignments, namely, January 29 and December 12, 1919, and July 1, 1920, respectively, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch, and that the single strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, (box and wrapper) "Female Pills * * * give relief in Female Disorders of the menstrual functions. * * * for Painful, Irregular and Scanty Menstruation," (booklet) "irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system * * * especially valuable in the functional changes * * * of the menopause or change of life. * * * act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine functions," (circular) "a great relief against those general complaints the Female Sex is subject to; they help in crease the vital quality of the blood; assist to bring nature into its proper channel * * * for irregular, painful, scanty or suppressed menstruations * * * should be taken * * * to assist nature with * * * disorders * * * during the *change of life period*. * * * Continue * * * the treatment until they give relief. * * * great relief from Pains or Headache * * * for suppressed Menstruation * * * continue their use until relieved * * * take * * * until the menstrual flow commences again," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11521. Misbranding of bran. U. S. v. Rosenbaum Bros., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13926. I. S. No. 12167-r.)

On April 19, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rosenbaum Bros., a corporation, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 8, 1919, from the State of Illinois into the State of Indiana, of a quantity of bran which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*